

REMARKS**Summary of the Office Action**

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Document No. 2001-067041 to Takahashi (hereinafter “Takahashi”) in view of U.S. Patent Application Publication No. 2003/0122743 to Suzuki (hereinafter “Suzuki”).

Claims 4-6 are allowed.

Summary of the Response to the Office Action

Applicants have amended claim 1 in order to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-6 remain currently pending and under consideration.

Rejection under 35 U.S.C. § 103(a) and Statement of the Substance of Examiner Interview

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Suzuki. Examiner Stephen Sherman is thanked for the courtesies extended to Applicants’ undersigned representative during a telephone interview held on November 2, 2006 with regard to the rejections in the Office Action dated August 8, 2006 in the instant application.

During the telephone interview, Applicants’ undersigned representative explained that independent claim 1 of this application describes a “controller for adjusting … a number of subfields for emission...” Applicants’ undersigned representative explained to the Examiner how in embodiments of the disclosure of the instant application, the number of subfields used for emission is adjusted based on brightness frequency data to achieve a desired gray scale

representation. Applicants' undersigned representative explained how the applied portion of Suzuki teaches that a frequency adjuster 34 adjusts the number of sustain pulses, but it does not teach adjusting the number of the subfields.

Examiner Sherman responded that he understands the features of the instant application in this regard, but the Examiner also noted that he is reading independent claim 1 of the instant application broadly with regard to "adjusting ... a number of subfields." In other words, the Examiner noted that he is interpreting the claim language to mean that an adjustment of some type is being applied to more than one subfield. Applicants' undersigned representative reached agreement with the Examiner that this issue could be resolved by amending this portion of independent claim 1 to read "adjusting ... [[a]] the number of subfields."

Accordingly, Applicants have amended claim 1 in order to implement the Examiner's helpful suggestion in this regard. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the reasons explained in the foregoing discussion.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because neither Takahashi nor Suzuki, whether taken singly or combined, teach or suggest each feature of independent claim 1, as amended. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that dependent claims 2 and 3 are allowable at least because of their dependence from newly-amended claim 1, and the reasons set forth above.

The Examiner is thanked for the indication that claims 4-6 are allowed.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance. Applicants respectfully request the timely allowance of these claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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